

EXHIBIT 1

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION**

Cub Club Investment, LLC,
Plaintiff,

v.

Apple Inc.,
Defendant.

Case No. 6:20-cv-856-ADA-JCM

JURY TRIAL DEMANDED

PLAINTIFF CUB CLUB INVESTMENT’S FIRST AMENDED INITIAL DISCLOSURES

Pursuant to Rule 26(a) of the Federal Rules of Civil Procedure, Plaintiff Cub Club Investment, LLC (“Plaintiff” or “CCI”) hereby serves these First Amended Initial Disclosures regarding the Asserted Works¹ to Defendant Apple Inc. (“Defendant” or “Apple”).

These initial disclosures are made subject to and without waiving any claim of attorney-client privilege, work-product protection, or any other applicable privilege or protection. In addition, Plaintiff’s investigation, research, and analysis of the facts and issues in this case are ongoing. Plaintiff therefore reserves the right to amend, modify, or supplement these disclosures, pursuant to Rule 26(e) of the Federal Rules of Civil Procedure.

The following response is given without prejudice to Plaintiff’s right to produce any evidence, whenever discovered, relating to the proof of facts subsequently discovered to be material. In addition, Plaintiff reserves the right to produce or use at trial any information for the purpose of rebuttal.

¹ The Asserted Works are U.S. Copyright Registration Nos. VAu 001-204-290, VAu 001-186-920, VAu 001-152-200, VAu 001-152-192, VAu 001-152-187, VAu 001-180-102, and VAu 001-152-204.

A. Initial Disclosures Under Rule 26(a) of Federal Rules of Civil Procedure*(i) Individuals with Discoverable Information*

Name	Address/Telephone	Subject(s)
Katrina Parrott Founder and CEO of Plaintiff CCI	Through Counsel for Plaintiff, Patterson + Sheridan, LLP 24 Greenway Plaza, Suite 1600 Houston, TX 77046 Phone: 713-623-4844	Knowledge of CCI's copyrighted works, products, financials, and claims.
Johnetta Queen Illustrator for Plaintiff CCI	Through Counsel for Plaintiff, Patterson + Sheridan, LLP 24 Greenway Plaza, Suite 1600 Houston, TX 77046 Phone: 713-623-4844	Knowledge of CCI's copyrighted works and products.
Katy Parrott Member of Plaintiff CCI	Through Counsel for Plaintiff, Patterson + Sheridan, LLP 24 Greenway Plaza, Suite 1600 Houston, TX 77046 Phone: 713-623-4844	Knowledge of CCI's copyrighted works, products, financials, and claims.
Corporate Representative of Defendant Apple	Through Counsel for Defendant, Latham & Watkins LLP 140 Scott Drive Menlo Park, CA 94025 Phone: 650-328-4600	Knowledge regarding Defendant's activities, products, product development, commercialization, financials, defenses, including Apple's diverse emoji and pre-suit notice and information related to damages.
Tim Cook CEO for Defendant Apple	Through Counsel for Defendant, Latham & Watkins LLP 140 Scott Drive Menlo Park, CA 94025 Phone: 650-328-4600	Knowledge regarding communications with Katrina Parrott, as well as Defendant's activities, products, product development, commercialization, financials, defenses, including Apple's diverse emoji, pre-suit notice, and information related to damages.

Name	Address/Telephone	Subject(s)
BJ Watrous Vice President & Chief IP Counsel for Defendant Apple	Through Counsel for Defendant, Latham & Watkins LLP 140 Scott Drive Menlo Park, CA 94025 Phone: 650-328-4600	Knowledge regarding Defendant's activities, products, product development, commercialization, financials, defenses, including Apple's diverse emoji, pre-suit notice, and information related to damages.
Peter Edberg Senior Software Engineer for Defendant Apple	Through Counsel for Defendant, Latham & Watkins LLP 140 Scott Drive Menlo Park, CA 94025 Phone: 650-328-4600	Knowledge regarding Defendant's activities, products, product development, commercialization, including Apple's diverse emoji.
Celia Vigil Former/Retired Senior Director for Frameworks and Fonts for Defendant Apple	Through Counsel for Defendant, Latham & Watkins LLP 140 Scott Drive Menlo Park, CA 94025 Phone: 650-328-4600	Knowledge regarding Defendant's activities, products, product development, commercialization, including Apple's diverse emoji.
Lauren Tappana Producer for Defendant Apple	Through Counsel for Defendant, Latham & Watkins LLP 140 Scott Drive Menlo Park, CA 94025 Phone: 650-328-4600	Knowledge of Defendant's emoji design.
Aurelio Guzman Designer for Defendant Apple	Through Counsel for Defendant, Latham & Watkins LLP 140 Scott Drive Menlo Park, CA 94025 Phone: 650-328-4600	Knowledge of Defendant's emoji design.
Christian Dalonzo Designer for Defendant Apple	Through Counsel for Defendant, Latham & Watkins LLP 140 Scott Drive Menlo Park, CA 94025 Phone: 650-328-4600	Knowledge of Defendant's emoji design.
Dylan Edwards Designer for Defendant Apple	Through Counsel for Defendant, Latham & Watkins LLP 140 Scott Drive Menlo Park, CA 94025 Phone: 650-328-4600	Knowledge of Defendant's emoji design.

Name	Address/Telephone	Subject(s)
Sebastian Johannes Bauer Former Head of Content, Media Product Design for Defendant Apple	Through Counsel for Defendant, Latham & Watkins LLP 140 Scott Drive Menlo Park, CA 94025 Phone: 650-328-4600	Knowledge of Defendant's emoji design.
Christopher Wilson Former Designer for Defendant Apple	Through Counsel for Defendant, Latham & Watkins LLP 140 Scott Drive Menlo Park, CA 94025 Phone: 650-328-4600	Knowledge of Defendant's emoji design.
Matthew Evans Former Interface Designer for Defendant Apple	Through Counsel for Defendant, Latham & Watkins LLP 140 Scott Drive Menlo Park, CA 94025 Phone: 650-328-4600	Knowledge of Defendant's emoji design.
Dr. Mark Davis Co-Founder and President for Unicode, Inc.	Phone: 650-450-9291 (Google Voice #) Phone: 41-76-790-94-76 (Swiss #) Email: markdavis@google.com Email: mark@macchiato.com	Knowledge of CCI's copyrighted works and Apple's development of diverse emoji.
Shervin Afshar Senior Software Engineer for Netflix, Inc.	shervin@shervinafshar.name 408-320-6210	Knowledge of CCI's copyrighted works and Apple's development of diverse emoji.
Gary Evans Software Developer for CCI	Through Counsel for Plaintiff, Patterson + Sheridan, LLP 24 Greenway Plaza, Suite 1600 Houston, TX 77046 Phone: 713-623-4844	Knowledge of CCI's copyrighted works and products.
James Logan Global Lead, Inclusion & Diversity Business Partnership Apple	Through Counsel for Defendant, Latham & Watkins LLP 140 Scott Drive Menlo Park, CA 94025 Phone: 650-328-4600	Knowledge of Defendant's diversity and inclusion programs, including policies and procedures for establishing business partnerships.
John H. Jenkins Senior Software Engineer for Apple	Through Counsel for Defendant, Latham & Watkins LLP 140 Scott Drive Menlo Park, CA 94025 Phone: 650-328-4600	Knowledge regarding Defendant's activities, products, product development, commercialization, including Apple's diverse emoji.

Name	Address/Telephone	Subject(s)
Ned Holbrook Senior Software Engineer for Defendant Apple	Through Counsel for Defendant, Latham & Watkins LLP 140 Scott Drive Menlo Park, CA 94025 Phone: 650-328-4600	Knowledge regarding Defendant's activities, products, product development, commercialization, including Apple's diverse emoji.
Willem Van Lancker Former Interface Designer for Defendant Apple	New York, NY hi@willemvanlancker.com	Knowledge of Defendant's emoji design.
Ollie Wagner Former Senior User Interface Designer-Emoji, iPad, and iPhone	Albuquerque, NM olliewagner@mac.com	Knowledge of Defendant's emoji design.
Jeremy Burge Founder and Chief Emoji Officer for Emojipedia	London, UK Twitter: @jeremyburge May be reached through Emojipedia: info@emojipedia.org	Knowledge of Unicode's Emoji Subcommittee and Defendant's implementation of diverse emoji.
Ryan McDearmont Social Media Manager for Emojipedia	Austin, TX May be reached through Emojipedia: info@emojipedia.org	Knowledge of Unicode's Emoji Subcommittee and Defendant's implementation of diverse emoji.
John M. Kelly Former Senior Emoji Lexicographer for Emojipedia	Austin, TX mashedradish@gmail.com	Knowledge of Unicode's Emoji Subcommittee and Defendant's implementation of diverse emoji.

(ii)(a) Categories and Location of Documents Associated with Plaintiff:

Documents associated with Plaintiff's activities, claims, and products, including documents associated with:

- the design and development of the Plaintiff's *iDiversicons*® Emoji, including copyright registrations for the Asserted Works;
- design and development of Plaintiff's trade dress and products;

- communications with Defendant and third parties, including Unicode, Inc.; and
- advertisements, marketing, promotions, offers to sell, sales, and/or distribution of Plaintiff's products,

which are located with Plaintiff and/or its counsel.

Invoices associated with attorney's fees and costs, which are located with Plaintiff and/or its counsel.

(ii)(b) Categories and Location of Documents Associated with Defendant:

Documents associated with Defendant's activities and products, including communications with Katrina Parrott, documents related to CCI, including iDiversicons®, implementation and use of Apple's diverse emoji, sales of associated products, pre-suit notice, and Defendant's policies related to diversity and inclusion business partnerships, which are located with Defendant and/or its counsel.

(ii)(c) Categories and Location of Documents Associated with Third Parties:

Documents associated with Plaintiff's activities, including communications with between Katrina Parrott and Unicode, Inc., documents related to CCI, which are located with Unicode, Inc. and/or its counsel, as well documents associated with Defendant's activities, including Defendant's implementation and use of diverse emoji.

The above categories of documents may exist in electronic form rather than on paper. Further categories of documents may be identified as discovery proceeds in this matter. Plaintiff CCI reserves the right to supplement these disclosures pursuant to the Federal Rules of Civil Procedure. Plaintiff also may rely upon documents and things in the possession, custody, or control of Defendant and other parties. The above listing in no way limits Plaintiff's ability to

present documentary evidence as it becomes known to Plaintiff, and Plaintiff will supplement the above list as appropriate.

(iii) Computation of Damages

At this time, Plaintiff has not received discovery regarding sales and unit information of the accused product, and therefore, does not have a computation of damages at this time. Plaintiff will supplement this disclosure in a timely manner as discovery proceeds.

Plaintiff is entitled to recover from Defendant, pursuant to the Copyright Act of 1976, the Lanham Act, and other causes of action, damages sustained by Plaintiff as a result of the willful acts of infringement in an amount subject to proof at trial. Pursuant to 17 U.S.C. § 504, Plaintiff is entitled to actual damages and additional profits of the infringer Apple; alternatively, Plaintiff is entitled to recover statutory damages. Pursuant to 15 U.S.C. § 1117, Plaintiff is entitled to Defendant's profits, any damages sustained by the Plaintiff, and cost of the Action, including judgment for a sum not exceeding three times actual damages or as the Court finds to be just according to the circumstances. Actual damages sustained by the Plaintiff include (but are not limited to) reasonable royalty, loss sales, loss profits, and damages to reputation and goodwill.

Plaintiff will rely on a damages expert and reserves the right to supplement this disclosure, including with evidence of (but not limited to) reasonable royalty, lost sales, lost profits, damage to reputation and goodwill, pre-judgment interest, and post-judgment interest.

Plaintiff is also entitled to attorney's fees and costs, including reasonable attorney's fees and costs pursuant to 17 U.S.C. § 505 and 15 U.S.C. § 1117.

(iv) Insurance

Plaintiff is unaware of any applicable insurance agreements.

Dated: December 9, 2020

Respectfully submitted,

/s/ B. Todd Patterson
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Counsel for Plaintiff
Cub Club Investment, LLC

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CERTIFICATE OF SERVICE

I hereby certify that on December 9, 2020, I electronically served the foregoing document to all counsel of record.

/s/ B. Todd Patterson
B. Todd Patterson